

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT BONDICK,

Plaintiff,

Case. No. 6:22-cv-1564-MC

v.

OPINION AND ORDER

EUGENE POLICE OFFICER: R. RIOS 346,

Defendant.

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MCSHANE, Judge:

*Pro se* plaintiff Robert Bondick filed a complaint without paying the filing fee or filing an application to proceed *in forma pauperis* (IFP). The Court, pursuant to 28 U.S.C. § 1915(e)(2), must screen applications to proceed IFP and dismiss any case that is frivolous or malicious, or fails to state a claim on which relief may be granted. This is not the first complaint Plaintiff has filed against Officer Rios. Two years, ago, Plaintiff filed a Complaint against Officer Rios for damages allegedly suffered during the same January 2019 arrest Plaintiff lists in the current complaint. *Bondick v. Rios*, 6:20-cv-184-MC. This Court dismissed that action without prejudice for lack of subject matter jurisdiction.

In the current complaint, Plaintiff alleges suffering injuries on January 9, 2019, from improper use of handcuffs when Defendant Officer Rios placed Plaintiff in a patrol car during an arrest. Compl. 1; ECF No. 1. Assuming, without deciding, that the Court has subject matter jurisdiction over this action, Plaintiff's complaint is barred by the two-year statute of limitations.

This § 1983 action for personal injuries is subject to Oregon two-year statute of limitations. *Bonneau v. Centennial Sch. Dist. No. 28J*, 666 F.3d 577, 580 (9th Cir. 2012). Plaintiff filed this action nearly four years after the January 2019 incident. Because this action is time-barred, any amendment would be futile and this action is DISMISSED, with prejudice. IT IS SO ORDERED.

DATED this 30th day of November, 2022.

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/s/ Michael McShane  
Michael McShane  
United States District Judge